

MINUTES
WORKSHOP CITY COUNCIL MEETING
IMMEDIATELY FOLLOWING SPECIAL MEETING
MONDAY, MARCH 21, 2022, 6:14 P.M.
NEPTUNE BEACH CITY HALL
116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266

Pursuant to proper notice, a Workshop City Council Meeting of the City Council of the City of Neptune Beach was held on Monday, March 21, 2022, at 6:14 p.m., in Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida, 32266

Attendance**IN ATTENDANCE:**

Mayor Elaine Brown
 Vice Mayor Kerry Chin
 Councilor Lauren Key (*absent*)
 Councilor Nia Livingston
 Councilor Josh Messinger

STAFF:

City Manager Stefen Wynn
 City Attorney Zachary Roth
 Police Chief Richard Pike
 Public Works Director Jim French
 Community Development Director Samantha Brisolara
 Grant and Resiliency Coordinator Colin Moore
 Mobility Management Director Megan Steward
 City Clerk Catherine Ponson

**Call to
Order/Roll Call**

Mayor Brown called the workshop meeting to order at 6:16 p.m.

AWARDS / PRESENTATIONS / GUESTS / NONE

DEPARTMENTAL SCORE CARD

**Dept. Score
Card**

City Manager Stefen Wynn presented the Departmental Score Card. He reviewed each department's current and upcoming events and projects. He highlighted the Building, Code Enforcement, and Fire Marshal reports.

The Departmental Score Cards and reports are posted on the City website at:
<https://www.ci.neptune-beach.fl.us/city-manager/pages/city-manager-reportsdepartmental-score-cards>

COMMITTEE REPORTS

**Land Use
and Parks**

Councilor Messinger reported the Land Use and Parks Committee met on March 8th, 2022, at 10:00 a.m. Items discussed included the Duval Tree Mitigation Fund Tree Planting, the Recreational Trails Grant, Jarboe Park Court Rules and Public Play Options, Park Rules, Park Staffing, Beach Access Points, Wayfinding Signage and a Florida Inland Navigation District Grant Opportunity.

MAYOR COMMENTS**Mayor's
Comments**

Mayor Brown commented (verbatim) "I want to thank so many members of the public for being here. I want to thank you for being here because I think that you're here to actually get facts and truth. I want to take a moment to address misinformation and disinformation continually spread to residents in our community. I am really thankful that you all are here tonight. At every turn in this process since we started the Code rewrite, we face the spread of some misleading information. One of those misrepresentations, has yet again been spread about this meeting. To be clear, no member of this Council, works or is otherwise engaged in commercial real estate. In particular, misinformation about me and my alleged involvement with commercial investors and developers has consistently been spread through this process. I want to say unambiguously, and finally, I don't own or ever owned Killashee Investments, or any other development company. I don't work in the area of commercial real estate or any real estate. I worked with Killashee Investments back in 2008-2013 and I have never worked in any real estate in Neptune Beach. I want to set that straight because from 2016, I have been asked on websites that I'm involved in real estate and work with developers and I don't, at all.

As to the accusations that this meeting is or was under the radar, that could not be further from the truth. Consistently, through the process of the Vision Plan, Comprehensive Plan, and Code rewrite, the City Manager and other City staff have announced in open meetings, published public notices, created social media posts and called everyone who has taken the time to sign up for calls from the City about updates. Even further, as the City Manager has shown, the exact subject matter of tonight's discussion regarding the Code rewrite, Accessory Structures, Trees, Rights-of-Way, Stormwater Management was announced over 42 days ago, at the February 7th meeting. Baseless accusations of loopholes for developers and plans to develop new attractions for the benefit of commercial investors continue to be made in an effort to scare the public.

Any member of the public seeking the truth need only review the feedback received throughout this process, mostly from individual residents, to see that the changes being discussed are done based on the desire of the majority of the City. A review of that feedback and the discussed changes will also very clearly demonstrate this process is not being driven for the benefit of developers or investors. Instead, it's being driven by an attempt to gain the goals articulated by residents at large. The volume of the minority does not drown out the opinion of the majority. Every member of this Council lives in Neptune Beach. To think that we desire havoc in the City for the benefit of outside development is not only directly contradicted by the facts, honestly, its illogical. This process has been underway for two years. For anyone who's new to it, the City is happy to provide any information you may find helpful to understand where we stand and where we're going.

I hope that tonight's discussion, an opportunity to comment, as well as the several planned moving forward, will be beneficial to you in understanding from the proposal and articulating your legitimate concerns and feedback. To clarify the process tonight, there will be no vote. This is a discussion so that feedback from the Council can be provided to our consultant. The process will be that anything that is given to us tonight will go back to our consultant, then will come back to Sam, and she will review it. It will then go to the Community Development Board, then it will come back to the City Council and then it will be reviewed there with public comment and then we will have another public meeting on it. Several more meetings will take place to clarify and make sure that we get everyone's input and answer every question that you might have. That is the way the process works. No changes have been adopted to the Code. No changes to the Code have been hidden and any narrative that says otherwise is false.

I look forward to working with you. The City Council looks forward to working with you. This staff looks forward to working with you. I get called by people and I ask them to come in. We will sit down and talk. We'll get their questions answered. If you want to talk to Councilmembers, they're more than willing to come over here to talk to and talk through. I think its complicated. I think that when you see some of the way these things are written, it really does have some things that need to be explained. I am certainly not an expert on it.

The City Council meeting agenda item is tonight about the Development Code regarding trees, sidewalks, rights-of-way and stormwater sections of the Code. It will then start going through a whole new process to be brought to the public. I want to clarify what that is. I thank you so much for being here. I want you to know that your questions and your input are important to every single one of us and we look forward to doing that with you."

PUBLIC COMMENTS

Public Comment Kathy Lahr-David, 2035 Cherokee Drive, Neptune Beach, spoke regarding barrels being out on Atlantic Boulevard and difficulty getting around the City.

Penny Kennedy, 2010 Acacia Road, Neptune Beach, commented on density issues, delayed progress on multiple projects, and she questioned what is the purpose of the new NC overlay district.

Pat Hazouri, 207 Florida Boulevard, Neptune Beach, spoke regarding the infrastructure meeting scheduled and the Dover, Kohl process.

Lynda Padrta, 1113 First Street, Neptune Beach, stated she had found information on the website and read it. She had questions regarding garages in the rear or on the side, the five-foot side yard setback and density issues. She added that she wished people would use the City website and actually call the City to get information.

PROPOSED ORDINANCES / NONE

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Ch. 27, LDC
Review

Review and Discussion of Draft Land Development Code Changes: Charter Section 4.07, Chapter 4, Alcoholic Beverages, Article I; Chapter 17, Sales, Article III, Open Air Sales and Markets; Chapter 18, Streets Sidewalks, and Other Public Places; Chapter 27, Land Development Regulations, Article IX, Tree Protection and Landscaping, Article X, Streets, Sidewalks, and Rights-of-Way, Article XII, Stormwater Management and Erosion Control.

Community Development Director Samantha Brisolara reviewed the sections of the Land Development Code slated for this meeting.

Charter
Section 4.07

Ms. Brisolara explained that this proposed change clarifies that the lower point of reference is the greater of one foot above the crown of road or average existing grade, unless in a flood zone, it shall be the base flood elevation required for habitable space under FEMA. This does not change the 35-foot height cap.

City Attorney Zachary Roth clarified that this one item would not only go through Council

to approve but it would also go by referendum to the public.

Chapter 4,
Alcoholic
Beverages

Ms. Brisolara stated that this change is to clarify that the 800-foot distance is inclusive of alcoholic beverage vendors, schools, or churches outside the City of Neptune Beach limits.

Ch. 17,
Open-Air
Sales and
Market

Ms. Brisolara explained that this clarifies this is for temporary open-air market sales. Open-air sales and markets shall only operate on private property in the CBD, C-1, C-2, and C-3 districts and special events at Jarboe Park by permit only. She reviewed the requirements. A fire safety plan will be required for food trucks.

Vice Mayor Chin pointed out the added language stating that the food truck should be parked so as not to cause traffic problems. He agrees they should park on private property as much as possible so as not to allow them to have a private use of the public right-of-way. He stated this could bear further discussion as to whether or not we make it a total requirement to have it parked entirely on private property.

Ch. 18, Streets,
Sidewalks and
Other Places

Ms. Brisolara reviewed the use of the public right-of-way. Public beach accesses are prohibited from any improvements under any circumstances. No activity will be permitted in the right of way that adversely impacts or interferes with emergency access or creates improper drainage and flooding issues. Permittees are to hold the city harmless from any permitted or unpermitted work in the city right-of-way.

Councilor Messinger commented that he agrees with the language as it does not remove the homeowners' rights to improve those rights-of-ways. He requested to add language to make it clear regarding what the liability is. He added that we are doing a lot of tree planting in the right-of-way with the approval of public works while trying to rebuild our tree canopy. He would not want to remove that ability from residents and suggested going through the checklist of approval.

Ms. Brisolara continued that sidewalks are required to be a minimum of five feet wide. Larger requirements may be required for multiuse pathways. Any replacement of existing sidewalks, walkways, driveways, patios, dining areas, or creation of the same in city right of way in the R-4 and CBD shall use pervious pavers.

Councilor Messinger requested having the CBD carved out as a separate item as there are beautiful sidewalks with memorial bricks to remain consistent in that area.

Ch. 27, Art. IX,
Tree Protection

Ms. Brisolara reviewed the Tree Protection and Landscaping regulations. The four requirements for being a Tree City have been added. Neptune Beach has been designated a Tree City for 21 years. She advised there had been updates to the definitions to include caliper, tree defects, tree failure, and hazard tree. She went over the requirements for tree removal and the application procedure.

Ms. Brisolara reported on the standards for replacement and relocation of trees. She presented the approved tree list.

Councilor Messinger suggested removing sycamore trees from the list as it has been removed from a number of lists. Their root systems can cause problems and they don't do well when the soil gets rainy.

Mr. Wynn mentioned that the City would cross reference the list with the City of Jacksonville and University of Florida's native species list.

Ms. Brisolara described the landscaping requirements and landscaping buffers.

Councilor Messinger questioned the part regarding landscaping buffers not being required when in conflict with utility installations. He would still want to require a landscape standard. He requested language be added to make it more clear and to firm it up.

Councilor Messinger suggested that we may want to make a masonry wall with some type of planting a requirement for commercial abutting residential. It is not a requirement right now. Concerns can be lighting and noise.

Councilor Livingston questioned the suggested requirement from a residential standpoint. The resident may want the shrubbery or something else.

Ms. Brisolara explained that the masonry wall may serve as more protection. There may be enough separation in our commercial areas that it may not create an impact. She suggested seeing what areas could be affected.

Vice Mayor Chin suggested maybe isolating it to the C-1 district.

Councilor Messinger stated there are also residential areas that come up on a parking area. He suggested keeping it at six feet and add a landscaping requirement so it is aesthetically pleasing and also gives the sound and noise delineation between the residential and commercial.

Ch. 27, Art. X,
Streets,
Sidewalks and
Rights-of Way

Ms. Brisolara introduced the Streets, Sidewalks and Rights-of-Way regulations by pointing out that definitions had been added for driveway, driveway apron, intersection, roadway, parking, sidewalk, and Traffic Impact Study. She presented the street classification map.

Ms. Brisolara reviewed the roadway dimensions based on the type of road being constructed. She advised Council on street design standards. She stated that clear visibility triangles are required. Nothing will be erected, placed, parked, planted or allowed to grow to impair vision between a height of two feet and eight feet above grade measured from the centerline of the intersection.

Ms. Brisolara covered the dedication of streets and rights-of-way. Public streets dedicated to the city must comply with all local standards, dedication language, city ordinances, and be free of any variances or contingencies.

No encroachment shall be permitted into existing right-of-way, except for temporary and conditional use authorized through a Right-of-Way Permit. The City is not responsible for any damage to private improvements within the public right-of-way. Private use of public right-of-way at beach access points shall not be permitted under any circumstances.

Councilor Messinger pointed out that there are some good citizens that maintain the right-of-way. He wouldn't want this to preempt them from keeping that up. They aren't making it their own. They are just keeping it in good condition.

Mr. Roth advised that the language is okay as we have the distinction in the language because it talks about how it can't be for private use. Sodding it and maintaining it is not a private use.

Ch. 27, Art. XII,
Stormwater
Management and
Erosion Control

Ms. Brisolara reviewed Stormwater and Management Control. She reviewed the exemptions from stormwater requirements.

Councilor Messinger questioned in Section 27-519(p) the minimum finish floor elevation being changed from 18 inches to 12 inches. He added that being a coastal and having an extra six inches can be the difference between flooding and not flooding.,

Public Works Director Jim French stated the change was to make it consistent with the floodplain section of the Code.

Councilor Messinger stated we should take a look at that item and bring this back.

Ms. Brisolara explained that she will make a matrix of tonight's comments and will get that to the consultants. The consultants will send it back., She will review it to make sure the changes were made. It will go to the Community Development Board. If they make changes, she will make notes. It will come to Council for another review. This will be loaded onto the City Website under the Land Development Update section.

PUBLIC COMMENTS

Public Comment Pat Hazouri, 207 Florida Boulevard, Neptune Beach, stated what happened today was inappropriate. It is not to be criticized. She requested people not be put down for expressing their opinions. There is a lot of confusion and fear.

Mayor Brown commented that if anyone needs clarification, they can certainly sit down with that person and make sure they get all of your questions answered.

Harriet Pruette, 217 ½ Margaret Street, Neptune Beach, stated that on the ocean front, the only way anybody who lives across the street can see the ocean is the ocean access. People plant lilies that grow so high that the people can't see the ocean. She requested Council consider that in the Code.

Lynda Padrta, 1113 First Street, Neptune Beach, encouraged everyone to read the proposed Code and bring their questions to the City Manager or the Community Development Director. She stated it is unfortunate that misleading information was being passed around. Instead of jumping to conclusions, do a little bit of diligence to read.

COUNCIL COMMENTS

Vice Mayor Chin commented that this is a draft sent to us by the consultant. He encouraged everyone to add their criticism through emails and we will load that all back on the consultant. It is not a done deal and there is time ahead of us to fix what seems wrong in the rewrite.

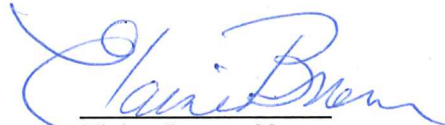
Councilor Messinger remarked that we cannot emphasize enough that this is a draft. For everything that is wrong in here, there's a lot of things that are right. The Community Development Board listened to variances and requests, day in and day out, month after month. He thanked Jonathan Raiti for his efforts on the CDB and helping with the Land Use and Parks Committee. If neighbors are saying a house is coming in and a beautiful tree is about to be destroyed. There is nothing in our Code to protect that. We are closing a lot of loopholes that existed before this process. There is a lot of development happening and we have to be proactive. The CDB gets this before Council. We haven't tried to consume it all at once. It has been done section by section. When all of those sections get put back together, it goes back to the CDB to be reprocessed. They've made their feedback. It is washed through staff and comes back to Council again. There can be no vote in a workshop. It can't happen. It is not within Robert's Rules of Order.

Councilor Livingston stated that there are a lot of emails that come to Council. She added that they are very helpful. She met with the Community Development Director who has a way of explaining things so you can understand. She appreciates all of the hard work that staff has done.


Mr. Roth advised that not only will we not be adopting anything like this in a workshop, this will be a zoning ordinance which has very specific notice requirements that have to be published in the newspaper well in advance. Nothing will be passed by surprise on any of this at any time.

Adjournment

There being no further business, the Workshop meeting adjourned at 8:12 p.m.


Elaine Brown, Mayor

ATTEST:


Catherine Ponson, CMC
City Clerk

Approved: 4-4-2022

